

# Statement: Guidance on super-complaints under the Online Safety Act 2023

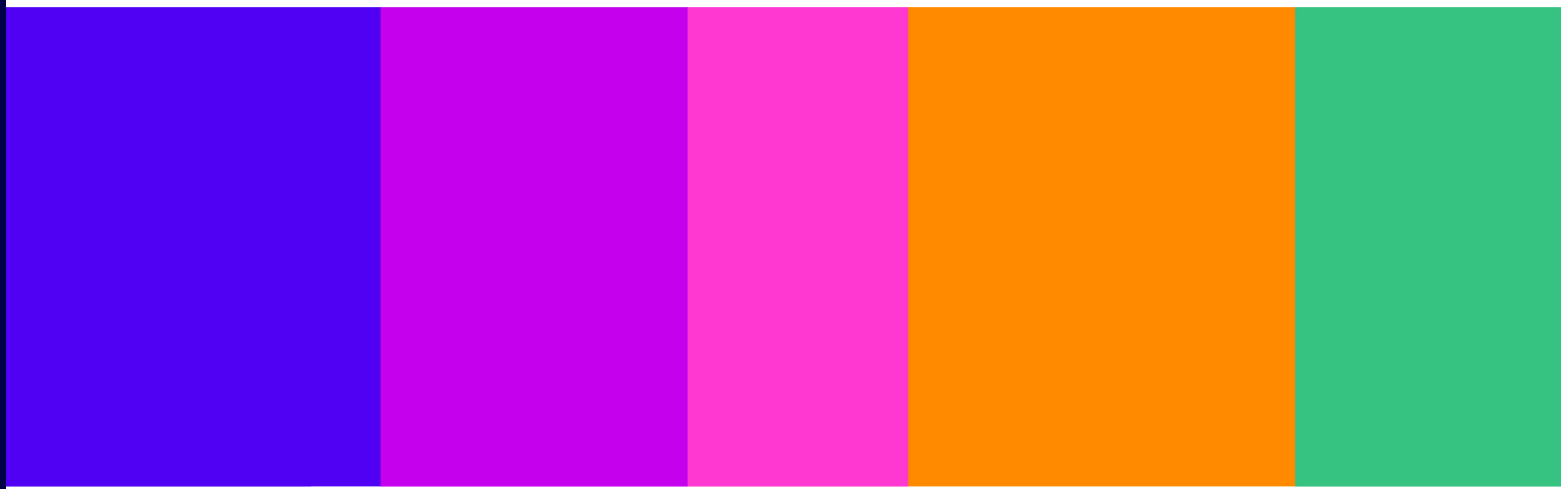
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## Statement

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# 1. Overview

- 1.1 Ofcom is the United Kingdom’s (UK) communications regulator, overseeing sectors including telecommunications, post, broadcast TV, radio, and online services. We were made the online safety regulator under [the Online Safety Act 2023](#) (‘the Act’) in October 2023.
- 1.2 We have drafted guidance to help eligible organisations make a ‘super-complaint’ to Ofcom about online safety matters, as required by the Act and relevant secondary legislation ([The Super-Complaints \(Eligibility and Procedural Matters\) Regulations 2025](#) (‘the Regulations’)). The purpose of the super-complaints regime under the Act is to allow organisations<sup>1</sup> that represent the interests of the public, and users of online services, to bring robust evidence and facts to our attention about the most significant online harms and restrictions on free expression arising on regulated online services.
- 1.3 The purpose of the final guidance is to make the following as clear as possible, within the terms of the Act:
  - What super-complaints are;
  - The role of super-complaints in Ofcom’s regulatory approach to online safety;
  - Which organisations are eligible to bring a super-complaint;
  - How organisations can demonstrate their eligibility to make a super-complaint;
  - The rules and procedures for making a super-complaint; and
  - The steps Ofcom will typically take in relation to a super-complaint.

## What this document covers

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- 1.4 This Statement document sets out the feedback we received, grouped by guidance section and response topic, and our decisions on the final guidance.

### What we have decided - in brief

**In response to stakeholder feedback, we have made the following changes to the final guidance:**

- We have clarified what constitutes current, relevant and objective evidence, including when older evidence may still be used, and we have provided further guidance on good and poor practice in presenting data and analysis.
- We have provided more information on data protection issues for evidence submissions.
- We have updated our publication approach so that information on a super-complaint is usually published only after the eligibility assessment, and we have revised the submission template to reflect statutory requirements and to be provided after an expression of interest.
- We have clarified how the super-complaints process interacts with Ofcom’s enforcement process where enforcement action may be appropriate.

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<sup>1</sup> We are using the term ‘organisation’ as the plain English shorthand for ‘entity’, which is the term used in the legislation.

- We have clarified that reassessing eligibility will be conducted on a case-by-case basis, taking account of any changes in an organisation's circumstances, such as governance or relationships with regulated services.
- We have clarified how the 'stop-the-clock' process will work, including when Ofcom may pause the 90-day timeline, and confirmed that we will take a proportionate approach to information gathering and decide promptly on the use of statutory powers.

The overview section in this document is a simplified high-level summary only. The decisions we have taken and our reasoning are set out in the full document.

## 2. Stakeholder consultation responses and our response

- 2.1 In this section, we summarise the responses received to our consultation on Super-complaints under the Online Safety Act 2023 ('the September 2025 Consultation'),<sup>2</sup> arranged by guidance section and response topic and explain our responses to the feedback. In addition to the changes made to address stakeholder feedback, we also made a number of minor changes to the final guidance for the purposes of ensuring clarity and accuracy.

### Summary of consultation responses

- 2.2 The consultation was open between 8 September 2025 and 3 November 2025. In that time, Ofcom received 16 consultation responses: 12 from civil society,<sup>3</sup> 3 from industry,<sup>4</sup> and 1 from a UK devolved government.<sup>5</sup>
- 2.3 We have grouped the consultation responses into 13 thematic topics. These have been organised under the corresponding sections from the draft and final super-complaints guidance:
- Section 3: Who can make a super-complaint?
    - The eligibility criteria and Ofcom's approach
  - Section 4: Making a super-complaint
    - Grounds for a super-complaint
    - Freedom of expression
    - Examples of super-complaints
    - Super-complaints relating to a single service or service provider and 'particular importance'
    - Evidence standards
    - Responding to urgent harms
  - Section 5: How will super-complaints be handled by Ofcom?
    - The super-complaints process
    - How Ofcom assesses super-complaints
    - Publication and confidentiality
    - Supplementary information

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<sup>2</sup> Ofcom, 2025, [Consultation: Super-complaints under the Online Safety Act 2023](#).

<sup>3</sup> Asociația CETATEA VIITORULUI, Antisemitism Policy Trust, The OSA Network, UK Safer Internet Centre and SWGfL (joint response), Which?, Marie Collins Foundation, Reset Tech, The Board of Deputies of British Jews, Internet Watch Foundation (IWF), Kick it Out and Signify (joint response) and 2 confidential respondents.

<sup>4</sup> Meta, Middle Tech Coalition, TikTok.

<sup>5</sup> The Scottish Government.

- Ofcom's use of information gathering powers
- Information for regulated services

2.4 We received a number of consultation responses which related to issues outside of the super-complaints regime (and instead touched the online safety regime more broadly). As these sit outside the scope of this specific super-complaints consultation, we have listed and briefly summarised those points in the final section 'Comments not directly relevant to the consultation'.

2.5 We also received a number of responses which relate to the statutory framework of the super-complaints regime,<sup>6</sup> including requests to narrow or broaden the statutory criteria or processes. The statutory framework is a matter for Government. Ofcom must implement the super-complaints regime in line with the statutory requirements and has no discretion to change the legislative requirements, and must reflect in the guidance the statutory scheme as it stands. Where a consultation response relates to a statutory framework issue, we have clarified this and referred to the relevant legislative requirement.

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<sup>6</sup> Sections 169-171 of [the Act](#) and [the Regulations](#).

## Who can make a super-complaint?

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- 2.6 This section summarises consultation responses which apply to Section 3 of the draft<sup>7</sup> and final super-complaints guidance, ‘Who can make a super-complaint?’.

### The eligibility criteria and Ofcom’s approach

- 2.7 The Act<sup>8</sup> outlines that ‘eligible entities’ can make a super-complaint to Ofcom. The Regulations<sup>9</sup> then clarify the four criteria organisations must meet in order to be deemed an ‘eligible entity’. This is set out in Section 3 of the draft and final version of the guidance.

### Summary of consultation responses asking to change the statutory eligibility criteria

- 2.8 In summary, several stakeholders<sup>10</sup> suggested amendments to the first three statutory eligibility criteria, including:
- a) **Criterion 1: Representing the interests of users or members of the public.** Some stakeholders proposed stricter requirements, such as making online safety a primary and ongoing purpose of the organisation, or requiring organisations to wholly or mainly promote the interests of their representative groups.
  - b) **Criterion 2: Acting independently from regulated services.** Respondents suggested broadening independence requirements beyond regulated services to include foreign states or hostile actors, and mandating disclosure of foreign links, funding, and litigation. Some also called for stronger vetting to ensure independence from other entities.
  - c) **Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters.** Several stakeholders requested clearer evidential standards for demonstrating expertise, including requiring peer-reviewed research or legal and regulatory expertise. Others asked for more precise examples of relevant evidence to avoid inconsistency.
- 2.9 These suggestions are beyond the scope of this consultation because the statutory criteria are set out in legislation and Ofcom cannot change these requirements.

### Summary of consultation responses about Ofcom’s approach to the eligibility criteria

- 2.10 Some stakeholders<sup>11</sup> also asked us to clarify aspects of the eligibility criteria and Ofcom’s approach. We set out our response to these comments below.
- 2.11 **Criterion 1: Representing the interests of users or members of the public.** Kick it Out and Signify (joint response) recommended that “provision of support or services” be added as

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<sup>7</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>8</sup> Section 169(1) of [the Act](#).

<sup>9</sup> Regulation 2 of [the Regulations](#).

<sup>10</sup> TikTok, UK Safer Internet Centre and SWGfL (joint response), Antisemitism Policy Trust, [3<] and Middle Tech Coalition.

<sup>11</sup> Kick it Out and Signify (joint response), Reset Tech, The Scottish Government, Which?, Meta, The Board of Deputies of British Jews, Antisemitism Policy Trust, Middle Tech Coalition, Internet Watch Foundation (IWF), The OSA Network, Asociația CETATEA VIITORULUI.

an example of the range of activities demonstrating an organisation’s eligibility under Criterion 1.<sup>12</sup> They noted that the current examples are “not hugely extensive and may lead to confusion, particularly among the charity sector.” Including this example alongside existing ones would, in their view, provide greater clarity for charities and companies.

- 2.12 **Criterion 2: Acting independently from regulated services.** Reset Tech advised that strict independence criteria could exclude credible NGOs and grassroots groups that have previously collaborated with platforms.<sup>13</sup> They argued the draft guidance lacks clarity on what level of funding or partnership would disqualify an entity.
- 2.13 **Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters.** Several stakeholders requested clarification on whether organisations that work with vulnerable groups but may not be experts in online safety matters could meet this eligibility criteria. The OSA Network questioned whether organisations that had expertise in relation to broader social, democratic, or informational harms would still have to show expertise in “core” OSA territory.<sup>14</sup> The Scottish Government noted that the “narrative” around the third eligibility criterion could be seen as a barrier for some services and requested clearer evidence examples to show that third sector organisations supporting young people and vulnerable adults would be included.<sup>15</sup> Which? highlighted that an organisation which represents the interests of a certain group in general (e.g. older people) might become aware of a way in which the people it represents are being negatively affected by the practices of one or more services regulated under the Act, but might not have published previous reports on the Act itself or specifically on the issue of online safety.<sup>16</sup> This stakeholder also argued that newer organisations which may be dedicated to emerging harms in online safety related matters may not have an extensive history of publicly commenting on these harms. Meta argued that the draft guidance offered no insight into how potential complainants might themselves consider if they have “contributed significantly” on a routine basis to public discourse as an “expert” in online safety matters.<sup>17</sup> Meta added that it was also not clear how Ofcom might subsequently weigh this question and relevant evidence in our eligibility assessment, which posed the risk of inconsistency in this criterion. Meta suggested Ofcom should set out additional narrative about how we propose to approach case-by-case decisions on this issue.
- 2.14 **Inclusion and equality.** The Board of Deputies of British Jews asked Ofcom to embed its Equality Impact Assessment obligations into eligibility assessments and sought more detail

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<sup>12</sup> Kick it Out and Signify joint response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>13</sup> Reset Tech response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>14</sup> The OSA Network response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>15</sup> The Scottish Government response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>16</sup> Which? response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>17</sup> Meta response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

on how Ofcom will assess documentation and determine eligibility, particularly for organisations representing minority groups.<sup>18</sup>

- 2.15 **Jointly submitted super-complaints.** Two stakeholders expressed concerns regarding only the lead organisation undergoing an eligibility assessment in the case of jointly submitted super-complaints. The Antisemitism Policy Trust was of the view that Ofcom needed to set standards and vet the additional organisations for expertise, reputation, motivation, and independence.<sup>19</sup> The Middle Tech Coalition was of the view that this poses the risk of accepting “complaints made and campaigned upon by ‘less valid’ organisations who do not meet Ofcom’s own standards, which could incite more divisive debate on sensitive issues without effective guardrails in place”.<sup>20</sup>
- 2.16 **Retained eligibility.** The Internet Watch Foundation<sup>21</sup> and the OSA Network asked for clarity on what constitutes a change in circumstance that would make an organisation no longer eligible. The Board of Deputies of British Jews argued that once an organisation is deemed eligible, that status should remain valid for future super-complaints unless circumstances change.
- 2.17 **Non-UK based organisations.** Asociația CETATEA VIITORULUI argued that non-UK based organisations should be eligible to submit super-complaints, noting that harms often cross borders and that international cooperation should be guided by “transparency”, “reciprocity”, and “human measure”.<sup>22</sup>

## Our response

- 2.18 Having considered the stakeholder comments, we have decided largely to maintain the position we consulted on. We have, however, provided further clarification on retained eligibility and reassessing eligibility in paragraphs 5.19 and 5.20 of the final guidance to clarify the information that organisations must submit to Ofcom, and the process for assessing retained eligibility or reassessing eligibility where information relevant to the eligibility criteria has changed, as explained below.
- 2.19 **Criterion 1: Representing the interests of users or members of the public.** In paragraph 3.8 of the final guidance, we have chosen to maintain our position as set out in the draft guidance: “There are a wide range of activities that an organisation can carry out that would demonstrate representing the interests of a group, such as providing advice, campaigning on their behalf, and researching their experiences.” Organisations that provide support or services to those they represent could therefore satisfy this criterion, provided this is sufficiently evidenced. We have not amended the final guidance to add further examples, because the list is intended to be illustrative rather than exhaustive.
- 2.20 **Criterion 2: Acting independently from regulated services.** Our position in paragraph 3.15 of the final guidance remains unchanged from the draft guidance. As set out in the

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<sup>18</sup> The Board of Deputies of British Jews response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>19</sup> Antisemitism Policy Trust response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>20</sup> Middle Tech Coalition response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>21</sup> Internet Watch Foundation (IWF) response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>22</sup> Asociația CETATEA VIITORULUI response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

guidance, we encourage disclosure of funding and potential conflicts of interest with an explanation of how these are mitigated where relevant. We note that the Regulations set out that funding from a regulated service is not, in itself, a bar to eligibility.<sup>23</sup> Under Regulation 3(b), organisations must demonstrate governance arrangements that ensure independence. Conflict-of-interest measures are not required by the Regulations but may be used to evidence independence. We also clarify that collaboration with regulated services (for example through research or project groups) does not, in itself, undermine independence. Organisations should, however, identify and disclose any relationships that could give rise to a conflict of interest and explain how these are managed.

- 2.21 **Criterion 3: Contributing significantly, as an expert, to public discussions about online safety matters.** We have not made changes in the final guidance, as the existing drafting in paragraph 3.1 of the guidance already explains the need to meet all eligibility criteria. We note that the Act defines “online safety matters” as “the matters to which Ofcom’s online safety functions relate”,<sup>24</sup> which covers any aspect of online safety within our remit. Meeting this criterion is a requirement of the Regulations, and organisations must provide evidence of this when submitting a super-complaint (Regulation 3(1)(c)). We recognise that some organisations without a history of contributing significantly, as an expert, to public discussions about online safety matters may become aware of an online safety related issue that affects the group that they represent. Organisations are welcome to explain how they meet the criterion; however, all criteria must be met in order to be found eligible.
- 2.22 As stated in paragraph 4.3 of the final guidance, a super-complaint is not the only mechanism for raising concerns with Ofcom, and organisations may prefer to contact Ofcom directly with their complaint<sup>25</sup> outside of the formal super-complaint process. We also state in paragraph 5.16 of the final guidance that if an organisation is found ineligible, we may still consider whether the complaint raises issues that should be considered outside the formal super-complaints process.
- 2.23 **Inclusion and equality.** As with all our regulatory work, we will take equality duties into account as appropriate when considering a super-complaint submission. However, we have not made any changes to the eligibility and evidence section (paragraphs 3.12-3-19) of the final guidance in light of these comments as we think that it is already clear as to how we will assess the eligibility criteria. In relation to our Equality Impact Assessment duties when formulating our approach to the super-complaints regime, we have considered the equality impacts of our proposals in the guidance. Our assessment of the equality impacts can be found in the Equality Impact Assessment annex of this Statement.
- 2.24 **Jointly submitted super-complaints.** The Regulations require Ofcom to conduct an eligibility assessment only of the lead organisation.<sup>26</sup> For this reason, we may not assess the eligibility of organisations who are making a joint super-complaint unless they are the lead organisation, and therefore have not made this change in our final guidance.
- 2.25 **Retained eligibility.** While we cannot provide a definitive list of what “change of circumstance” would result in an organisation no longer being eligible, we have clarified further in paragraphs 5.19 and 5.20 of the final guidance. Under Regulation 3(3) of the

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<sup>23</sup> Regulation 2(4)(a) of [the Regulations](#).

<sup>24</sup> Section 235(4) of [the Act](#).

<sup>25</sup> Ofcom, [Complain about online services, websites or apps](#).

<sup>26</sup> Regulation 8(3) of [the Regulations](#).

Regulations, organisations seeking to retain eligibility must confirm that there have been no changes to the information they previously submitted in relation to the first and second eligibility criteria. In the final guidance, we clarify that if there have been changes to previously provided information the organisation should submit all supporting evidence required by Regulation 3 for Ofcom to reassess eligibility. We have also added examples of changes that may affect an organisation's eligibility status.

- 2.26 We have also clarified how organisations that have previously been found eligible may rely on a shortened eligibility assessment process for subsequent super-complaints. Where an organisation submits a further super-complaint within five years of being notified of its eligibility (and more than six months after its last super-complaint), it may, instead of resubmitting all supporting evidence relating to the first and second eligibility criteria, provide a statement confirming that there have been no changes to the eligibility information previously provided and requesting that Ofcom apply Regulation 8(2) (i.e. the shorter, 15-day time limit for determining eligibility). This statement must be accompanied by the information required by Regulation 3(1)(c) and (d), namely information to explain how it (i) is an expert about an aspect of online safety matters, and (ii) routinely contributes significantly to public discussions about such matters; and where a complaint is submitted jointly by more than one entity, information as to which entity is the lead entity.<sup>27</sup> Where these requirements are met, Ofcom will reconfirm eligibility within a shortened 15 day assessment period.
- 2.27 As set out in paragraph 5.18 of the final guidance, organisations previously found ineligible should not attempt to make a super-complaint again unless there has been a material change in circumstance which means they now consider they are eligible. This is different from the requirement in the Regulations for a 'material change of circumstances' when an organisation submits a repeat complaint on the same issue (see paragraph 4.50 in the final guidance).
- 2.28 Indefinite retained eligibility is not possible due to the five-year rule in Regulation 3(3), explained in paragraph 5.19 of the final guidance.
- 2.29 **Non-UK based organisations.** We have decided to not make changes to the final guidance with regards to where the organisation submitting a super-complaint is based as the Regulations do not specify that an entity has to be based in the UK to be eligible. However, non-UK organisations would have to explain and evidence how they represent the interests of UK users, groups, or members of the UK public. Super-complaints are one mechanism to raise issues about online safety to Ofcom; some organisations may find that it is more appropriate or efficient to contact us outside of the super-complaints process, if they have online safety concerns they believe we can act on.

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<sup>27</sup> Regulation 3(3) of [the Regulations](#).

## Making a super-complaint

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- 2.30 This section summarises consultation responses which apply to Section 4 of the draft and final super-complaints guidance, ‘Making a super-complaint’.
- 2.31 It covers the following topics:
- Grounds for a super-complaint
  - Freedom of expression
  - Examples of super-complaints
  - Super-complaints relating to a single service or service provider and ‘particular importance’
  - Evidence standards
  - Responding to urgent harms

## Grounds for a super-complaint

- 2.32 The Act<sup>28</sup> sets out the grounds for making a super-complaint, which the draft<sup>29</sup> and final guidance paragraphs 4.12-4.23 explain further, including clarification on the types of harm or adverse impact that super-complaints must relate to. Additionally, the Regulations outline what matters a complaint should address, including references to the interpretations of ‘significant harm’ and ‘adverse impact’.<sup>30</sup>

## Summary of consultation responses

- 2.33 Several stakeholders<sup>31</sup> suggested additional phrases to be added to the explanations of the grounds and harms for a super-complaint as set out in the draft guidance and requested further clarification on others.
- 2.34 Which? suggested adding “where feasible” when describing the requirement to link a feature or conduct to harm,<sup>32</sup> arguing that complainants may lack access to internal systems of regulated services and should not be required to demonstrate causation conclusively. Which? also noted that the introductory section of the draft guidance refers to “serious harm” rather than “significant harm”, stating that this does not reflect the statutory language.
- 2.35 Kick It Out and Signify (joint response) requested greater clarity on what constitutes physical and psychological harm and that it should include the impact of harms arising from discrimination. The response also suggested that the term ‘adverse impact’ should be expanded in the guidance to cover types of harm that are not captured by physical and psychological harm (such as identity-based abuse, discrimination, mis- and disinformation, and risks to democratic processes). The respondents were of the view that this would give clarity to complainants and regulated services and close practical gaps where “serious non-crime hate incidents fall below the criminal threshold” but cause substantial harm.

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<sup>28</sup> Section 169(1) of [the Act](#).

<sup>29</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>30</sup> Regulations 4(1)(f) of [the Regulations](#).

<sup>31</sup> Which?, Kick it Out and Signify (joint response), The OSA Network, Meta.

<sup>32</sup> Section 169(1) of [the Act](#).

- 2.36 The OSA Network argued that “super-complaints should be usable for both cross-platform and single-service harms” as “harm is often felt acutely on single platforms due to both their design and/or terms of service”. However, the OSA Network welcomed Ofcom’s interpretation of ‘significant harm’ in the draft guidance and noted that its encompassing of “societal harms and disinformation” as well as other harms will “future-proof the guidance when considering emergent harms not covered specifically by the safety duties in the Act itself”.
- 2.37 The Scottish Government said that the “recognition that features and sites cause a ‘collective’ harm rather than just one to an individual is positive”.
- 2.38 Meta raised concerns about Ofcom’s interpretation of ‘significant adverse impact’,<sup>33</sup> arguing that the draft guidance risks treating the concept as overly broad – by including societal impacts, threats to democracy and excessive usage – without sufficient explanation or clarity on how these fall within Ofcom’s online safety regulatory remit. Meta further suggested that this section should be interpreted narrowly, contending that ‘significant adverse impact’ should be interpreted to cover other discrete areas that may be adversely impactful, which would otherwise fall within Ofcom’s regulatory remit.

## Our response

- 2.39 Having considered stakeholder comments, we have decided not to make changes to the final guidance for the reasons set out below.
- 2.40 The grounds for making a super-complaint are set out in section 169(1) of the Act. We sought to provide some further detail in paragraphs 4.12-4.23 of the final guidance to help organisations making a super-complaint, but are limited to the parameters of the legislation.
- 2.41 In response to the points raised by Which?, we do not consider it necessary to add “where feasible” to the final guidance. It is not a requirement that organisations demonstrate “causation conclusively” and we do not consider that the term “link” implies that it is. We consider that the current wording of both the legislation and our explanation in the final guidance already captures this point using phrases such as “appears to be” or “is at risk of occurring,” and so no change has been made.
- 2.42 We note that the reference to “serious harm” is used only in the introductory, explanatory section of the final guidance (paragraph 2.3) to aid accessibility, and the term ‘significant’ as appears in the legislation is used consistently throughout the final guidance. We therefore have not made a change.
- 2.43 In response to the stakeholders’ requests for clarification on ‘harm’, it is defined as physical and psychological harm in the Act, and we do not have the power to expand the scope of the meaning of ‘harm’ in the Act through the final guidance. We highlight that the final guidance already provides examples to assist further understanding of ‘harm’ and ‘adverse impact’ in paragraphs 4.14-4.20. Our list of harms is non-exhaustive as we acknowledge that super-complaints could relate to a wide range of harms. It is for organisations making a super-complaint to make the case that the harm or adverse impact in question meets the grounds in section 169 of the Act. We further note that the examples listed by the respondents may not in themselves be considered as a ‘harm’,

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<sup>33</sup> As referenced in section 169(1)(c) of [the Act](#).

however they may be considered in scope of other the grounds of a super-complaint, such as presenting a material risk of having a significant adverse impact on users.<sup>34</sup>

- 2.44 In response to Meta, we note that in paragraph 2.12 of the final guidance we make clear that we “welcome super-complaints that are relevant to our remit under the [Online Safety] Act,” and we “advise organisations that we can only take regulatory action within our existing powers and remit.” We also note that “societal impacts and threats to democracy or excessive usage” are illustrative examples of adverse impacts and we will interpret ‘significant adverse impact’ as set out in our final guidance (paragraphs 4.19-4.20). We consider that an organisation may submit evidence of features and/or conduct which present a material risk of ‘significant adverse impact’ under section 169(1)(c) in an area which may otherwise not be in scope of the Act. These complaints will be assessed on a case-by-case basis and may yield different outcomes depending on whether we have the power to address the complaint. If we don’t have the power to address the issues raised in a complaint due to these being out of scope of the Act, our response may be to flag this issue to other regulators or Government for their consideration.

## Freedom of expression

- 2.45 The Act<sup>35</sup> outlines that a super-complaint should relate to a conduct or feature of one or more regulated services which appears to be presenting a material risk of one of the impacts listed in section 169(1), one of which is a risk of “significantly adversely affecting the *right to freedom of expression* within the law of users of the services or members of the public, or of a particular group of such users or members of the public.” Ofcom’s draft<sup>36</sup> and final guidance (paragraph 4.19) also set out Ofcom’s interpretation of “significantly adversely affecting the right to freedom of expression within the law” in the context of super-complaints.

## Summary of consultation responses

- 2.46 The OSA Network commented on Ofcom’s overarching approach to freedom of expression concerns, noting freedom of expression rights can be impacted by the over-removal of lawful content but also from under-enforcement of harmful content, which can create a “silencing effect”. They stated: “Super-complaints must protect against both under and over-enforcement of online safety duties. We recognise and welcome the need for Ofcom to mitigate the risk of systemic over-removal of lawful speech and give due recognition to Article 10 of the ECHR [European Convention on Human Rights]. However, we also note that freedom of expression requires the state to create a safe speaking environment online”. The OSA Network also emphasised that freedom of expression should not be treated as absolute and should be balanced with other rights under the European Convention on Human Rights, such as privacy and protection from harm.
- 2.47 Reset Tech similarly highlighted “freedom of expression symmetry”, noting “the guidance should guard against over-removal and chilling, particularly of political or public interest speech.”

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<sup>34</sup> Section 169(1)(c) of [the Act](#).

<sup>35</sup> Section 169(1) of [the Act](#).

<sup>36</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

## Our response

- 2.48 Having considered the stakeholder comments, we have decided not to make changes to the final guidance for the reasons set out below.
- 2.49 Ofcom considers that these stakeholder comments are consistent with our overarching existing approach to freedom of expression. Ofcom’s approach to freedom of expression in the super-complaints regime is outlined in paragraph 4.19 of both the draft and final guidance, and we do not propose changes to this approach in light of the stakeholder feedback above. The final guidance already recognises adverse impacts on the right to freedom of expression as a ground for a super-complaint and includes indicative examples of relevant harms, such as moderation system failures and scenarios where freedom of expression may be significantly adversely affected (see final guidance paragraph 4.22).
- 2.50 We recognise that online harms can have an inhibiting effect on the way people can engage and express themselves online. We note concerns around both the over- and under-enforcement of content policies and the resulting impacts on the right to freedom of expression in the context of the super-complaints regime. In assessing rights impacts, we will take into account freedom of expression rights along with other applicable human rights which are also relevant in the context. Our assessments of human rights will vary on a case-by-case basis dependent on the context and evidence submitted in a super-complaint. We consider the final guidance’s drafting sufficiently covers this approach.

## Examples of super-complaints

- 2.51 To support organisations’ submissions and offer clarity, Ofcom’s draft guidance (paragraph 4.22)<sup>37</sup> included indicative examples of potential super-complaints. We explained that this is a non-exhaustive list and organisations are welcome to submit super-complaints based on different scenarios provided that the required criteria are met.<sup>38</sup>

## Summary of consultation responses

- 2.52 Several respondents requested more and/or clearer examples of issues that would form the basis for an admissible super-complaint. The Scottish Government asked for “more examples covering different scenarios be provided” in relation to ‘adverse impact’, while the UK Safer Internet Centre and SWGfL (joint response) and TikTok called for further examples explaining the ‘material risk of causing significant harm’ and ‘significantly adversely affecting the right to freedom of expression’, including “cumulative effects of harm on children and vulnerable groups” (UK Safer Internet Centre and SWGfL’s joint response)<sup>39</sup> and “real world contexts such as significant moderation system failures or cross-platform safety challenges” (TikTok).<sup>40</sup> The OSA Network expressed a need for examples in relation to “admissible multi-service harms (e.g. cross-platform disinformation, scam networks, or emerging forms of harm)”.

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<sup>37</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>38</sup> See Regulation 4(1)(e) of [the Regulations](#) and paragraph 4.14 of the [Draft Guidance for Super-Complaints under the Online Safety Act 2023](#).

<sup>39</sup> UK Safer Internet Centre and SWGfL joint response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

<sup>40</sup> Tiktok response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

## Our response

- 2.53 Having considered stakeholder comments, we have decided not to make changes to the final guidance for the reasons set out below.
- 2.54 We have decided not to add more examples of potential super-complaints to the final guidance. We note that the examples provided are indicative only, and organisations are welcome to submit super-complaints based on different scenarios. All super-complaints should be accompanied by sufficient evidence and explanation on how that evidence supports the view that one of the grounds in paragraph 4.14 of the final guidance is met. There are existing examples in paragraph 4.22 of the final guidance relating to freedom of expression, moderation system failures and cross-platform harm. More examples of super-complaints will become available for organisations to consider as Ofcom publishes its responses to super-complaints received from eligible entities over time – this would include both admissible and inadmissible complaints to help inform other potential applicants.
- 2.55 We highlight that the interpretation of ‘material risk’ in relation to super-complaints is consistent with our interpretation in the context of non-designated content (NDC)<sup>41</sup> and ‘significant harm’ can affect any individuals or groups and may arise from sources of harm other than harmful content (as per paragraphs 2.39-2.41 in the consultation document<sup>42</sup> and paragraph 4.18 in the final guidance). Examples of ‘adverse impact’ as they relate to super-complaints are also outlined in the final guidance (paragraph 4.20).

## Super-complaints relating to a single service or service provider and “particular importance”

- 2.56 The Act<sup>43</sup> outlines what Ofcom must consider if the super-complaint relates to a single service or provider, including whether the complaint is of “particular importance” or if it “impacts on a particularly large number of users of the service or members of the public”. The Regulations clarify that the entity making the super-complaint must offer further information explaining how these requirements are met.<sup>44</sup> Ofcom’s draft<sup>45</sup> and final guidance (paragraphs 4.13 and 4.24-4.25) explain these regulatory requirements and outlined Ofcom’s flexible approach.

## Summary of consultation responses

- 2.57 Several respondents requested further elaboration of what determines the ‘particular importance’ of a super-complaint. Meta argued that “the existing reference to ‘widespread and significant harm’ is too abstract”. [redacted].<sup>46</sup> The OSA Network both said that “the [final] guidance would be strengthened by a clearer definition [of ‘particular

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<sup>41</sup> See Section 10 and 11 of the Children’s Register of Risk ([Ofcom, Children’s Register of Risks](#)) and Part 3, Section 2 of the Children’s Risk Assessment Guidance ([Ofcom, Children’s Risk Assessment Guidance and Children’s Risk Profiles](#)). Our decisions on NDC can be found in , Section 4, paragraphs 4.109- 4.156. The approach to NDC is further explained in [Ofcom, Consultation: Protecting children from harms online Volume 3: The causes and impacts of online harms to children](#), Chapter 7.9.

<sup>42</sup> Ofcom, 2025, [Consultation: Super-complaints under the Online Safety Act 2023](#).

<sup>43</sup> Section 169(2) of [the Act](#).

<sup>44</sup> Regulation 4(1)(h) of [the Regulations](#).

<sup>45</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>46</sup> [redacted] response to September 2025 Consultation. All further references to this confidential stakeholder refer to confidential response 1.

importance'] so that organisations can better understand the threshold, which will be a higher bar than for complaints that cut across services". The Scottish Government welcomed Ofcom's flexible approach to determining 'particular importance' but called for "greater transparency to this determination" and "further clarity to support organisations" on how the number of users/members of the public affected may impact 'particular importance'.

- 2.58 Considering comments around 'particularly large number of users', TikTok asked for clarification about the "factors and/or criteria" Ofcom will take into account when considering if an issue applies to a "large number of users of the service or members of the public". The Middle Tech Coalition expressed that the "lack of assurance and clarity [in relation to 'particular importance' and 'particularly large number of users' threshold] is concerning for platforms, given the planned public nature of super-complaints and the impact of this being targeted against one platform". Meta called for guidance on how the "particularly large numbers" test will be applied by Ofcom, specifically if there will be "any difference in its approach to users of any service(s), the number of which may be large relative to the total number of service users, and members of the public generally, the number of which is (in theory) objective".
- 2.59 Several stakeholders queried Ofcom's approach in relation to single-service or single-provider super-complaints. Reset Tech stated that "Ofcom should explicitly state that single-service complaints are admissible if they meet the same harm thresholds as multi-service complaints". Kick it Out and Signify (joint response) recommended that Ofcom expand the circumstances in which it considers a super-complaint about a single provider. Meta asked if Ofcom's approach will differ if the complaint targets a single service or a single provider of multiple services.

## Our response

- 2.60 Having considered these stakeholder comments, we have decided largely to maintain the position we consulted on. We have, however, clarified our approach to the terms 'particularly large number of users/members of the public' in paragraph 4.25 of the final guidance.
- 2.61 We have decided not to provide further details of our interpretation of the term 'particular importance', which is not further defined in the Regulations. Ofcom intends to take a flexible approach to determining if a super-complaint is of 'particular importance' but expects super-complaints to be reserved to the most severe issues addressing widespread and significant harm, as set out in paragraph 4.25 of the final guidance. Consequently, we will assess the circumstances under which a super-complaint can relate to one service or one service provider on a case-by-case basis depending on the evidence and facts of the complaint, and it will be up to the organisation to explain and demonstrate why a particular issue they have identified in relation to a single service or provider should be considered under the super-complaints regime.
- 2.62 We have sought to clarify in our final guidance our approach to the terms 'particularly large number of users/members of the public'. We have included an additional explanatory sentence to paragraph 4.25 of the final guidance stating that for each case we will consider the organisation's explanations about why their complaint affects a 'particularly large number' of users or members of the public.<sup>47</sup> Aside from this, we have

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<sup>47</sup> Section 169(1) of [the Act](#).

decided to maintain our approach to the terms ‘particularly large number of users/members of the public’ as set out in the draft guidance (paragraph 4.25) and consultation (paragraph 2.46).<sup>48</sup> We do not consider it appropriate to set or suggest numerical thresholds of users or affected individuals in this context. This approach is in keeping with the Regulations, as there are no prescriptive thresholds for ‘particularly large number of users’. We recognise that a ‘particularly large number’ may be context specific, for example, varying by: absolute numbers (i.e. affecting a certain number of individuals in the UK), segments of the population (i.e. affecting vulnerable adult users), or ‘large number’ in comparison to the user base on a service.

## Evidence standards

- 2.63 The Regulations set out requirements around the evidence to support a super-complaint, specifically, that Ofcom is able to interpret the evidence and verify the claims made on the basis of that evidence and that the evidence is current, reliable and objective.<sup>49</sup> The draft and final guidance clarify these expectations (see paragraphs 4.26-4.40), and provide additional information around what Ofcom considers are best practice principles for evidence (see paragraphs 4.41-4.45).<sup>50</sup> The final decisions around evidence standards can be found in paragraphs 4.26-4.45 of the final guidance.

## Summary of consultation responses

- 2.64 **Higher evidence standards.** Meta and TikTok argued that a stronger standard for evidence is needed, with TikTok arguing that “Ofcom should require an evidential standard akin to peer reviewed published research, or at a minimum, the research and publication standards it sets itself”. Meta said a super-complaint should be supported by “statistically significant, verifiable and methodology driven evidence”. [3<].
- 2.65 **Lower evidence standards.** Some respondents said a lower standard is needed. Reset Tech said “requiring overly stringent proof thresholds (e.g. fully verified documentation) would exclude many important complaints”. The Marie Collins Foundation stated that Ofcom had set “an obstructively high bar regarding acceptable evidence”.<sup>51</sup>
- 2.66 **‘Current’ evidence.** Several respondents commented on the explanation in the draft guidance that ‘current’ evidence should “ideally” have been collected in the last 12 months. Which? argued that evidence from more than 12 months ago may still be current if the feature has not changed. The OSA Network and the Marie Collins Foundation argued that “flexibility should be built in for longitudinal data or harms that manifest over time”.
- 2.67 **Standards proportionate to organisation size.** The OSA Network, Kick it Out and Signify (joint response), and the Marie Collins Foundation argued that the standards expected of organisations should be proportionate to the size or resources of the organisation.
- 2.68 **Experience-based and qualitative data.** The OSA Network, Marie Collins Foundation, and Reset Tech emphasised that anecdotal, experience-based and qualitative data should not be excluded from consideration. The UK Safer Internet Centre and SWGfL (joint response)

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<sup>48</sup> Ofcom, 2025, [Consultation: Super-complaints under the Online Safety Act 2023](#).

<sup>49</sup> Regulation 4(1)(g) of [the Regulations](#).

<sup>50</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>51</sup> Marie Collins Foundation response to September 2025 Consultation. All further references to this stakeholder refer to this consultation response.

stated that Ofcom should “highlight low-cost or qualitative evidence accepted and guide organisations on replicability, completeness and ethical considerations”.

2.69 **Listing research methodologies.** Which? argued that Ofcom should not cite research methodologies in the final guidance, as other regulators do not and stated that our list appears exhaustive, whereas Kick it Out and Signify (joint response) argued that “explicitly listing evidence types will ensure potential complaints are able to adjust their data collection methods ahead of time”.

2.70 [§<].

## Our response

2.71 Having considered these stakeholder comments, we have decided largely to maintain the position we consulted on. We have, however, amended our explanation in relation to ‘current’ evidence in paragraph 4.36 of the final guidance.

2.72 **Higher & lower evidence standards.** The evidence standards are outlined in the Regulations and are a matter for Government. Ofcom’s assessments must be against the evidence standards set out in the Regulations and we do not have discretion to alter the requirements. For clarity and transparency, Ofcom’s final guidance (paragraphs 4.41-4.45) provides comments on research methods and best practice principles of evidence which could be relevant when reviewing submitted evidence in line with these requirements. However, if a stakeholder has evidence which does not meet the standards set out in the Regulations but could support Ofcom’s online safety remit, we recommend raising these issues to Ofcom via other mechanisms.

2.73 **Standards proportionate to organisation size.** The Regulations outline the evidence standards that need to be met for a super-complaint to be admissible.<sup>52</sup> These evidence standards apply for all eligible super-complaints; the Regulations do not include provisions for Ofcom to consider the size or resources of the organisations submitting a super-complaint when making our assessment. Therefore, we have not made this change in the final guidance.

2.74 **‘Current’ evidence.** We have sought to elaborate in our final guidance how organisations can demonstrate their evidence is ‘current’. We have added some additional explanatory language to paragraph 4.36 of the final guidance to make clear that Ofcom will consider evidence collected more than 12 months prior to submission where the organisation explains how the evidence can still be considered ‘current’ and how they have undertaken that analysis.

2.75 **Experience-based and qualitative data.** It is not our intention that qualitative evidence should be excluded from consideration, nor does the final guidance say that it is. We have therefore not made any changes to the final guidance. In paragraphs 4.26-4.28 of the final guidance we state that we will consider evidence – which can include qualitative or quantitative approaches – that meets the requirements set out in the Regulations. The final guidance, paragraphs 4.41-4.42, considers methodologies which may be relevant, and qualitative and ethnographic research are specifically listed as research methods Ofcom is interested in.

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<sup>52</sup> Regulation 4(1)(f-g) of [the Regulations](#).

- 2.76 **Listing research methodologies.** We stated in the draft guidance that the highlighted methodologies are not exhaustive (paragraph 4.42). We note that some stakeholders welcomed the listing of methodologies and called for more information on relevant methodologies. Therefore, we consider that it is useful for us to retain in the final guidance the non-exhaustive indicative list of methodologies<sup>53</sup> that could be used to produce evidence to support a super-complaint.

## Responding to urgent harms

- 2.77 The Regulations specify certain timeframes which inform the super-complaints regime, such as the provision that an entity can only submit one super-complaint every six months.<sup>54</sup> However, several stakeholders raised concerns about the process for “urgent harms” in relation to the statutory timeframes, specifically comments on paragraphs 4.48-4.55 of the draft<sup>55</sup> and final guidance where the parameters and exceptions around this six-month rule are explained.

## Summary of consultation responses

- 2.78 The Antisemitism Policy Trust argued that super-complaints about urgent issues posing an immediate public risk “should be streamlined even further”.
- 2.79 In response to paragraphs 4.3 and 4.49 of the draft guidance, which set out the limitations regarding timelines for organisations submitting super-complaints, the OSA Network highlighted that the “restrictions risk impeding timely responses to emerging harms, particularly during elections and or as technology develops” and suggested exemptions “for urgent harms to ensure the mechanism remains responsive”.
- 2.80 Reset Tech argued that rigid time limits risk undermining accountability when “urgent harms come to light late (e.g. election interference uncovered after the fact, algorithmic abuse detected only after a period)” and considered the current approach, which requires organisations to withdraw earlier complaints to submit a new one, to be sub-optimal. Reset Tech proposed greater flexibility, including mechanisms to allow organisations to pause earlier complaints so urgent issues can be prioritised and practical workarounds for time-barred cases, such as enabling joint complaints led by an entity not affected by the six-month restriction or Ofcom considering the matters raised informally even if they cannot be treated as a formal super-complaint.

## Our response

- 2.81 We have decided not to make changes to paragraphs 4.48-4.55 of the final guidance to introduce exemptions or an expedited pathway within the super-complaints mechanism. The statutory time limits and restrictions on multiple complaints are set out in the Regulations<sup>56</sup> and cannot be changed through guidance. However, Ofcom recognises the importance of addressing urgent harms promptly and we note that we are open to

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<sup>53</sup> This indicative list includes the following research methods: cross-sectional, panel, or longitudinal surveys, behavioural audits, usability testing, journey mapping, randomised control trials (RCTs), avatar research and other forms of passive measurement, machine learning and other AI analysis, network analysis, ethnographic and similar qualitative research.

<sup>54</sup> Regulation 5(1)(d) of [the Regulations](#).

<sup>55</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>56</sup> Regulation 5(2)(c) and (d) of [the Regulations](#).

receiving evidence of urgent harms through other means, such as being contacted directly outside the formal super-complaint process by stakeholders.

- 2.82 In relation to the comments on the two-year limitation for submitting a super-complaint which repeats the substance of a previously considered complaint, we note that the Regulations allow for an issue to be raised earlier where there is a 'material change of circumstances',<sup>57</sup> and this is covered by paragraphs 4.3 and 4.50 of the final guidance. As the circumstances will vary from case to case, we do not propose providing examples in the final guidance of what might constitute a 'material change of circumstances' under the Regulations. It would be for organisations to explain why they consider there has been a material change of circumstances that warrants a submission on a similar issue.
- 2.83 We also note that organisations that have submitted a super-complaint in the previous six months may choose to support a super-complaint led by an organisation that has not made a super-complaint in the previous six months. More information on joint super-complaints can be found in paragraphs 3.20-3.22 of the final guidance.

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<sup>57</sup> Regulation 5(2)(c) of [the Regulations](#).

## How will super-complaints be handled by Ofcom?

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- 2.84 This section summarises consultation responses which apply to Section 5 of the draft<sup>58</sup> and final super-complaints guidance, ‘How will super-complaints be handled by Ofcom?’.
- 2.85 It covers the following topics:
- The super-complaints process
  - How Ofcom assesses super-complaints
  - Publication and confidentiality
  - Supplementary information
  - Ofcom’s use of information gathering powers
  - Information for regulated services

### The super-complaints process

- 2.86 The Regulations outline numerous requirements, such as the deadlines of 30 (or 15) days to assess eligibility and 90 days to assess admissibility and respond to a super-complaint.<sup>59</sup> The draft super-complaints guidance aimed to clarify this process for organisations interested in submitting a super-complaint.<sup>60</sup> In the consultation, there were several responses about specific parts of this process, sitting across parts of sections 4 and 5 of the draft guidance, which are summarised below.

### Summary of consultation responses

- 2.87 **Optional pre-engagement with Ofcom.** The OSA Network requested confirmation that engagement with Ofcom prior to submitting a complaint is an optional step. Middle Tech Coalition welcomed the guidance for complainants to engage early and openly with Ofcom as per paragraph 5.24 of our draft guidance. They suggested this would help to avoid overlap with other super-complaints or Ofcom’s other areas of work.
- 2.88 **Communication post-complaint submission.**<sup>61</sup> Which? compared Ofcom’s proposed communication approach with that of other regulators and requested that Ofcom commit to keeping complainants informed of progress and allowing complainants to contact Ofcom for clarification after a super-complaint has been submitted. The stakeholder also requested that Ofcom commit to acknowledging receipt of a super-complaint “as soon as practicable”, with the suggestion of five working days, and providing a named point of contact at Ofcom for complainants to follow-up on the status of their complaint.
- 2.89 **Six-month duration between complaints.**<sup>62</sup> Kick it Out and Signify (joint response) and the Internet Watch Foundation expressed concern about the limit of issuing one super-complaint every six months. The respondents argued that the online environment evolves rapidly and that this limit may restrict Ofcom’s ability to respond to legitimate emerging harms. TikTok suggested that the six-month limit should be increased to one complaint

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<sup>58</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>59</sup> Regulations 8(1), 8(2) and 9(2) respectively of [the Regulations](#).

<sup>60</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>61</sup> Responses relate to Regulations 7(1)-7(2) of [the Regulations](#).

<sup>62</sup> Responses relate to Regulations 5(1)(d) of [the Regulations](#).

per eligible entity per year, to prevent the regular submission of potentially “vexatious and frivolous claims”, along with guidance which Ofcom will follow for recurrent “unfounded” super-complaints.

- 2.90 **Placing limits on the ‘stop-the-clock’ mechanism.** <sup>63</sup> Kick it Out and Signify (joint response) suggested a thirty-day limit to be placed on the use of the ‘stop-the-clock’ mechanism (set out in paragraph 5.30 of the draft guidance) for each complaint, after which Ofcom will be required to explain the reason for the delay and formally grant an additional thirty days, or proceed without the response from the organisation. Which? also argued Ofcom should exercise their discretion to use ‘stop-the-clock’ only subject to the agreement of the organisation concerned in writing. TikTok suggested building out more opportunities to use the ‘stop-the-clock’ mechanism, should Ofcom or industry have any questions of clarification.
- 2.91 **Reducing the two-year limit to re-examine an issue.** <sup>64</sup> The Marie Collins Foundation argued that Ofcom should consider the same or similar issues in a timely way, even where “manifest changes are potentially small but still have significance”.
- 2.92 **Overlapping issues with courts, other regulators and enforcement.** <sup>65</sup> Multiple stakeholders requested greater clarity on how Ofcom will approach situations where some or all of the matter raised in a super-complaint is being considered by a court, another regulator, or Ofcom itself. Which? raised concerns that an overly broad interpretation of the issue outlined in a complaint could result in rejection of complaints where other regulators are considering related issues from a different perspective that does not address online safety harms. Meta similarly requested clarity to ensure providers are not subject to “duplicative or potentially prejudicial” requests where Ofcom is already considering related matters. This respondent also noted the lack of discussion of circumstances where a matter may overlap materially with issues subject to ongoing investigation by Ofcom under the Act.
- 2.93 **Complainant engagement with regulated services.** TikTok argued that Ofcom's final guidance should direct organisations towards existing dialogue routes with platforms to support constructive resolution of potential harm wherever possible. The respondent also suggested that Ofcom should require complainants to pre-notify platforms of a super-complaint submission and engage with industry to outline their concerns (except in cases where this exacerbates harm). The OSA Network emphasised that pre-engagement must remain optional and not operate as a barrier for “less resourced groups” who may not have relationships with services. The OSA Network and Reset Tech both highlighted that in contexts such as election interference or whistleblowing, prior contact with platforms may be unsafe or unrealistic.
- 2.94 **Considering issues raised in inadmissible complaints or by ineligible organisations.** The Middle Tech Coalition requested clarity on how Ofcom would consider issues outside the super-complaints process if the complaint was rejected due to not meeting the relevant criteria (of either the eligibility or admissibility).

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<sup>63</sup> Responses relate to Regulations 8(6) and 9(4) of [the Regulations](#).

<sup>64</sup> Responses relate to Regulation (2)(c)(ii) of the [Regulations](#).

<sup>65</sup> Responses relate to Regulations 5(2)(d), 5(3) and 10(3) of [the Regulations](#).

## Our response

- 2.95 Having considered the stakeholder comments, we have decided not to make changes to the final guidance for the reasons set out below.
- 2.96 **Optional pre-engagement with Ofcom.** Responding to the OSA Network and the Middle Tech Coalition, we confirm that engaging with Ofcom prior to submitting a super-complaint is encouraged as per paragraph 5.24 in our final guidance, but not a legal requirement.
- 2.97 **Communication post-complaint submission.** In response to Which?’s point about communication post-submission, the Regulations require Ofcom to communicate with the organisation at key points during the super-complaint process. This includes: an acknowledgement of receipt after Ofcom has received a super-complaint,<sup>66</sup> notifying the organisation about the outcome of the eligibility assessment,<sup>67</sup> and informing the organisation of Ofcom’s response to the super-complaints.<sup>68</sup> Ofcom will endeavour to communicate with the organisation as soon as practicable after each assessment and within statutory timeframes, as mentioned in paragraphs 5.1, 5.15 and 5.31 of the final guidance.
- 2.98 **Six-month duration between complaints.** The six-month restriction on submitting a new super-complaint is set out in Regulation 5(1)(d) and cannot be changed in the final guidance.<sup>69</sup>
- 2.99 **Placing limits on the ‘stop-the-clock’ mechanism.** In response to Which?’s point on the ‘stop-the-clock’ mechanism, we consider that creating an additional step of explaining the rationale and obtaining a written agreement from organisations which have submitted a super-complaint to use ‘stop-the-clock’ would undermine the intention of the mechanism by reducing the time available for the information to be provided and the relevant assessment to be conducted. In the final guidance, paragraph 5.30, we have clarified that where appropriate, we would ask informally for further information and would be guided by the estimated time needed to provide that information and whether to utilise ‘stop-the-clock’, and for how long. We further note that, in paragraph 5.29 of the draft and final guidance, it states this mechanism is to be used where we consider we require additional information in order to determine eligibility or the admissibility of the complaint; as a result, the organisation would be kept informed as to the reasons for delay and reasons for using the ‘stop-the-clock’ mechanism.
- 2.100 **Reducing the two-year limit to re-examine an issue.** The restriction on considering a complaint that repeats the substance of a previously considered super-complaint is set out in Regulation 5(2)(c)(ii) and therefore can only be changed by Government. We also note that the Regulations permit Ofcom to re-examine an issue before this time limit has expired only where there has been a ‘material change of circumstances’ concerning that specific issue.<sup>70</sup>
- 2.101 **Overlapping issues with courts, other regulators and enforcement.** Responding to Which? and Meta’s comments, the Regulations state that Ofcom may reject a super-

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<sup>66</sup> Regulation 7 of [the Regulations](#).

<sup>67</sup> Regulation 8(4) of [the Regulations](#).

<sup>68</sup> Regulation 9(1)(a) of [the Regulations](#).

<sup>69</sup> Regulation 5(1)(d) of [the Regulations](#).

<sup>70</sup> Regulation 5(2)(c)(ii) of [the Regulations](#).

complaint if some or all of complaint is being considered by another UK regulator.<sup>71</sup> Once the other regulator has stopped considering the issue it can be submitted/resubmitted to Ofcom, as per paragraph 4.50 of the final guidance. If an organisation is aware of such an instance (even if the matter of the complaint is a broad one and not specific to online safety), we advise the organisation wishing to submit/resubmit the complaint to provide this information via the submission template available from page 30 of the final guidance. We will consider whether all or part of a complaint is genuinely duplicative of another submitted to a different regulator on a case-by-case basis.

- 2.102 **Complainant engagement with regulated services.** In response to TikTok, it is not a requirement in the Regulations for organisations to make contact with services about their concerns. We recognise that in some circumstances it may be helpful for organisations to raise their concerns with services where appropriate, however we do not think it appropriate to require organisations to do so before submitting a super-complaint as it may unduly delay bringing a serious online safety issue to Ofcom’s attention.
- 2.103 **Considering issues raised in inadmissible complaints.** The Middle Tech Coalition queried how Ofcom would treat information contained in a rejected super-complaint. We consider that even if the complaint is rejected due to incorrect criteria, it may be appropriate for Ofcom to use the information provided by the organisation to inform other online safety work, as stated in paragraph 5.7 of the final guidance.

## How Ofcom assesses super-complaints

- 2.104 Once the eligibility of the organisation and admissibility of a super-complaint has been determined, Ofcom can then consider the substance of the content within the complaint. Paragraphs 5.25-5.30 of the draft<sup>72</sup> and final guidance explain how Ofcom will conduct the substantive assessment of issues raised by super-complaints and the steps for obtaining additional information if required.

## Summary of consultation responses

- 2.105 The Scottish Government, OSA Network, UK Safer Internet Centre and SWGfL (joint response) and the Internet Watch Foundation said that there is a lack of clarity in the draft guidance as to how Ofcom will assess super-complaints. The Middle Tech Coalition suggested that Ofcom should make a full assessment of the legal and regulatory merit of considering any complaint and its evidence. [3<] A confidential respondent made a similar point<sup>73</sup>.
- 2.106 TikTok said that “Ofcom should produce further guidance in relation to the potential outcomes of super-complaints, including how it will make those decisions and how it will engage with platforms about potential outcomes”. The Antisemitism Policy Trust stated that “when a super-complaint is upheld we would hope that Ofcom mandates quick implementation of any required measures, including a binding timeframe for services to comply, and an enforcement mechanism that checks if a service has not only complied in full, but that the measures taken are also having a positive effect on tackling the issues identified in the complaint”. Meta asked for clarification in the final guidance that Ofcom’s

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<sup>71</sup> Regulation 5(3) of [the Regulations](#).

<sup>72</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>73</sup> [3<].

formal response will only outline its proposal regarding the super-complaint and will not be reaching conclusions on providers' compliance positions.

## Our response

- 2.107 Having considered the stakeholder comments, we have made a change to paragraph 5.9 of the final guidance to clarify Ofcom's position regarding any potential enforcement action within the 90-day super-complaint response deadline. However, we have decided not to make any further changes to the final guidance for the reasons set out below.
- 2.108 We have maintained our position set out in the draft guidance regarding how Ofcom will assess super-complaints. We explain the steps we will take in paragraphs 5.25-5.30 of the final guidance, including how we evaluate evidence. We have decided not to provide further guidance on our approach to assessing complaints, as it will vary case-by-case. We note that information does not need to be submitted as a formal super-complaint to be considered by Ofcom and organisations can contact us through other means, including writing to us or utilising the online complaints portal<sup>74</sup> for individual complaints.
- 2.109 In addition, we have decided not to make changes to the guidance regarding super-complaint outcomes, as paragraph 5.6 of the final guidance lists several potential outcomes that could arise from a super-complaint. We consider that this is an appropriate level of detail given that our response to super-complaints will vary based on the nature of the complaint.
- 2.110 With regards to the Antisemitism Policy Trust's point about enforcement proceedings, enforcement action could be one of many outcomes of a super-complaint (please see paragraph 5.6 of the final guidance for a non-exhaustive list of other potential responses). If we decide to start enforcement action as a result of the super-complaint process, we will follow the process set out in our Online Safety Enforcement Guidance.<sup>75</sup> This guidance explains the procedural steps we usually follow in enforcement action under the Act (as required under the Act and to help to ensure a fair and robust decision making process), including our approach to imposing penalties, remedial action for compliance breaches and business disruption measures.
- 2.111 In reply to Meta's query about Ofcom's formal response, we highlight in paragraph 5.9 of the final guidance that while we may start any enforcement action in an appropriate case before the expiry of the 90-day response deadline, it is generally unlikely that we will be able to conclude enforcement action within that period. This is because, as noted above, we would follow the process set out in our Online Safety Enforcement Guidance, which involves a number of procedural steps to be taken before reaching a final decision, such as issuing a provisional notice of contravention and giving the subject of the investigation an opportunity to respond to our proposed findings (and any proposed sanction where relevant). This process may also require us to review other intelligence sources and gather additional evidence beyond that provided in the super-complaint.

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<sup>74</sup> Ofcom, [Complain about online services, websites or apps](#).

<sup>75</sup> Ofcom, 2024, [Online Safety Enforcement Guidance](#).

## Publication and confidentiality

- 2.112 The super-complaints Regulations require Ofcom to make a summary of and a response to a super-complaint publicly available.<sup>76</sup> Paragraphs 5.32-5.35 of the draft<sup>77</sup> and final super-complaints guidance outline the publication process for a super-complaint and Ofcom's response, while paragraphs 5.36-5.39 offer further details around Ofcom's handling of confidential information and potential limitations to the information we can publish.

### Summary of consultation responses

- 2.113 Several stakeholders expressed concerns about when information regarding a super-complaint should be published. Meta, [§<], and TikTok raised concerns that publishing information too early could undermine procedural fairness and harm business reputation. Meta stated that publication should occur only after Ofcom determines eligibility. [§<]. TikTok proposed publication only after Ofcom reaches a final outcome.
- 2.114 There were differing views by stakeholders on what information should be published. The Antisemitism Policy Trust argued that “publishing a super-complaint in full (or nearly in full) rather than just a summary<sup>78</sup> will enable civil society to counter misleading or one-sided claims, helping ensure balanced public discourse and fair outcomes. This approach will also support media scrutiny, reducing the risk of unchecked narrative shaping”. Similarly, Which? argued that “Ofcom super-complaint reports should only exclude confidential information if strictly necessary to do so” in the interests of transparency.
- 2.115 TikTok emphasised the need to protect commercially sensitive information, particularly relating to Trust and Safety operations, to prevent bad actors from exploiting systems. Reset Tech highlighted the need for clearer protocols on handling sensitive evidence, noting that “vague” statements in the draft guidance could deter participation or lead to excessive redaction. They suggested making redacted publication the default, establishing a classification protocol (e.g., “public,” “sensitive but redacted,” “protected”), permitting confidential annexes, and allowing victims or whistleblowers to request stronger protections. TikTok also wanted clarity on how Ofcom handles sensitive evidence and confidentiality concerning a super-complaint about them. They said “the published [final] guidance should go further in outlining how confidential information should be handled, including: clarification on how long Ofcom will hold such information; when Ofcom will consider evidence to be out of date and dismissed; and the ability for providers to update evidence they consider to be outdated”.
- 2.116 The Middle Tech Coalition asked for clarification on the criteria for when a super-complaint can be published if it relates to a single regulated service.
- 2.117 The Marie Collins Foundation stated that the language in the draft guidance around the publication of Ofcom’s response is vague and suggested there should be a presumption towards full publication in the interest of public awareness and transparency.
- 2.118 [§<], the OSA Network, TikTok and the Scottish Government all requested publishing information, including reasoning, on rejected complaints (both for failing eligibility and/or being deemed inadmissible). The OSA Network proposed anonymised summaries of inadmissible complaints “to inform sector learning and to avoid burdensome evidence-

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<sup>76</sup> Regulation 9(1)(b) of [the Regulations](#).

<sup>77</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>78</sup> See paragraphs 2.66-2.69 in Ofcom, 2025, [Consultation: Super-complaints under the Online Safety Act 2023](#).

gathering by civil society when a similar complaint has already been rejected”. Similarly, TikTok said “Ofcom should publish all decisions that explain why an organisation does or does not have standing to bring a complaint, to bring transparency and clarity for other organisations”.

- 2.119 Kick It Out and Signify (joint response) requested aggregated reporting on all super-complaints, including thematic or demographic summaries, to identify trends and systemic issues.

## Our response

- 2.120 Having considered stakeholder comments, we have decided largely to maintain the position we consulted on. We have, however, amended the paragraph 5.32 of the final guidance to clarify that we will usually publish information on our website once the eligibility assessment has been completed.
- 2.121 Information will usually be published only after we have concluded the eligibility assessment and considered all evidence relating to eligibility, rather than publishing immediately upon receipt of a super-complaint. This approach helps ensure that any information we place in the public domain reflects a considered assessment against the regime’s criteria. We have clarified our approach in paragraph 5.32 of the final guidance in light of stakeholder concerns about the potential risks of publishing too early, while also seeking to support transparency for organisations considering submitting a super-complaint.
- 2.122 We will normally include in the publication the name of the organisation that submitted the super-complaint, a summary of the issue(s) raised, and the outcome of the eligibility assessment, including where an organisation has been found ineligible and the super-complaint process will not proceed further, subject to our statutory and common law duties on confidentiality. Although the Regulations do not require Ofcom to publish any updates before issuing our final response to a super-complaint, we consider that publishing this information after the eligibility stage will, in many cases, enhance transparency and provide useful insight for other organisations that may be considering submitting a super-complaint.
- 2.123 We acknowledge stakeholder concerns about what we publish, however we have decided not to make changes to reflect these concerns as we consider the discussions of publication (paragraphs 5.32-5.35) and confidentiality and disclosure of information (paragraphs 5.36-5.39) in the final guidance sufficiently explain our approach. To reiterate, Ofcom is committed to being as transparent as possible. However, Ofcom must decide what information is confidential and whether it should be published, taking into account statutory and common law requirements. Decisions on what we publish will be made on a case-by-case basis, taking into account our legal duties and our commitment to being a transparent regulator. To confirm, with regards to the Middle Tech Coalition’s feedback, publication decisions for super-complaints relating to a single regulated service will, as with all other super-complaints, follow the same process set out in the final guidance.
- 2.124 With regards to TikTok’s request for further detail on how information about them will be handled, we note that paragraphs 5.36-5.39 of the final guidance set out our approach to

confidentiality and disclosure of information. Further information on our policies around records and information management can be found on our website.<sup>79</sup>

- 2.125 In relation to the request for aggregated reporting on super-complaints, we recognise the importance of transparency about the work we are doing. While the consultation document noted that we were exploring options for reporting on super-complaints, our final position is that we intend to include a summary of super-complaints in our future annual reporting. We have not yet determined the format or level of detail for this summary, and we will take stakeholder feedback into account as we develop our approach. We expect to finalise these reporting arrangements as part of a future annual reporting cycle.

## Supplementary information

- 2.126 The draft and final guidance sets out ways in which Ofcom may request further information or clarification from the entity making a super-complaint (paragraphs 5.29-5.30) and the possibility for engagement between Ofcom and the entity in case of any immediate questions in relation to the super-complaint (paragraph 5.27).<sup>80</sup>

## Summary of consultation responses

- 2.127 Several stakeholders argued that after submitting a super-complaint, super-complainants should be able to submit more evidence if required. The Antisemitism Policy Trust suggested having clear review and appeals procedures for super-complaints “that organisations can follow if their complaint has not been upheld” and noted organisations’ right to “have the decision reviewed and to add more evidence if required, with the right of services not to be subjected to a lengthy and repetitive process”. Reset Tech suggested the super-complaints mechanism should be “as far as possible iterative — allowing complainants to supplement evidence, respond to information requests, and refine claims”. Which? argued that organisations should be allowed to meet with Ofcom once to clarify any uncertain areas of their complaint.
- 2.128 Which? also recommended that the final guidance should be reworded to clarify that potentially eligible organisations will be given the opportunity to provide further information or clarification before Ofcom issues a refusal decision for eligibility reasons. Which? was also of the view that the final guidance should state explicitly that Ofcom will keep the organisation informed of the progress of a super-complaint and that the organisation may contact Ofcom for clarification on any issues. Which? drew comparisons with other super-complaints regimes where designated bodies are able to engage iteratively with regulators.

## Our response

- 2.129 We have decided to maintain the position we consulted on and not make changes to the final guidance with regards to providing supplementary information. We reiterate in paragraphs 4.1-4.2 of the final guidance that engagement with Ofcom via the online expression of interest form<sup>81</sup> prior to the super-complaint submission is encouraged as it may help to address any potential information gaps in evidence or the focus of the super-

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<sup>79</sup> Ofcom, 2023, [Records and information management policy](#).

<sup>80</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

<sup>81</sup> Ofcom, 2025, [Online safety super-complaints expression of interest form](#).

complaint. Contacting us via the expression of interest form in the first instance will help organisations to structure their information using a template, making it easier to identify the types of information that should be provided as part of the super-complaint. Organisations need to ensure that they familiarise themselves with the eligibility, admissibility and evidence requirements to inform their submission process.

- 2.130 We note that the ‘stop-the-clock’ mechanism may be used should more detail be required from the organisation to assist Ofcom’s assessment of either the organisation’s eligibility or the super-complaint submission itself. More information on the process for clarification requests and how they may affect our assessment timelines can be found in paragraphs 5.29-5.30 of the final guidance. We also highlight in paragraph 5.27 of the final guidance that “if appropriate, a meeting will be arranged between Ofcom and the organisation making a super-complaint within the 90-day assessment period to discuss any immediate questions about the evidence submitted and to indicate potential next steps to evaluate the issues raised by the super-complaint and options available to respond”.
- 2.131 The legislation does not provide for an appeals process where a complaint is determined to be inadmissible or where an organisation does not agree with Ofcom’s response. In paragraph 5.7 of the final guidance, we note that if Ofcom finds the organisation eligible and the super-complaint itself admissible but determines that no immediate action should be taken in response to a super-complaint, we may still use the information provided as part of our general intelligence gathering for future work, which we will communicate in our super-complaint response. Complaints about the procedure taken with respect to a super-complaint submission can be referred to our usual complaints process; further information is available on Ofcom’s website.<sup>82</sup>

## Ofcom’s use of information gathering powers

- 2.132 The Act<sup>83</sup> allows Ofcom to gather information from external parties to support our online safety functions. The Regulations<sup>84</sup> allow Ofcom to use these information gathering powers to request further information from the organisation submitting the complaint in order to conduct the eligibility assessment or to respond to a super-complaint, and to extend the timeframes for these assessments accordingly (‘stop-the-clock’). We state in the draft<sup>85</sup> and guidance (paragraphs 5.41-5.42) that Ofcom may exercise statutory information gathering powers during a super-complaints assessment if it is considered that the provision of information is required to prioritise work effectively or to evaluate whether the evidence available merits investigation.

## Summary of consultation responses

- 2.133 Several stakeholders asked for clarification around the use of Ofcom’s information gathering powers. Meta and Reset Tech both requested further explanation of how Ofcom plans to use its formal information gathering powers in relation to super-complaints. The OSA Network and Reset Tech both asked Ofcom to commit to using the powers to collect evidence in every case. Reset Tech also said that “the [draft] guidance does not indicate how Ofcom might use its information powers to fill gaps where credible

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<sup>82</sup> Ofcom, 2024, [Complain about Ofcom](#).

<sup>83</sup> Section 100 of [the Act](#).

<sup>84</sup> Regulations 8(5)-(6) and 9(3)-(4) of [the Regulations](#).

<sup>85</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

claims are raised but internal platform evidence is unavailable” and asked Ofcom to mandate the use of information gathering powers upon complaint admissibility for claim validation. The OSA Network called for clarity on the circumstances where an extension to the 90-day response period under the ‘stop-the-clock’ mechanism may be granted in the case of the information gathering powers being exercised, and the pace at which that decision would be made. This stakeholder also argued that Ofcom should “commit to using its statutory information powers to obtain supplementary data from platforms when credible issues are raised but external evidence is incomplete” and “the burden of evidence gathering should not fall on civil society alone”.

- 2.134 In relation to timelines for responding to information requests, Meta argued that, should Ofcom choose to exercise the information gathering powers, the 90-day period “does not leave much time for Ofcom to fulfil all the usual steps that might be required in connection with relying on its information gathering powers, which may result in a compression of possible time for providers to respond”, especially in the case of large multi-jurisdictional organisations. Meta also asked that, if Ofcom chooses to use its statutory information gathering powers, “it will determine that question expeditiously” in order to allow large services sufficient time to respond, and called for “guidance from Ofcom on the circumstances where they may (or may not) consider extending the 90 day relevant period”.

## Our response

- 2.135 Having considered these stakeholder comments, we have decided largely to maintain the position we consulted on (see paragraph 5.41-5.42 of the final guidance). We have, however, clarified in paragraph 5.41 of the final guidance that Ofcom’s approach to information gathering will be proportionate, in line with Ofcom’s Online Safety Information Powers Guidance,<sup>86</sup> and that the decision whether to use statutory information gathering powers will be made promptly.
- 2.136 We note that the ‘stop-the-clock’ mechanism is only applicable where Ofcom is waiting for information requested from the entity that submitted the super-complaint. As super-complaints may vary case-by-case (for example, in respect of complexity or the completeness of evidence submitted) it would not be appropriate or proportionate to exercise the ‘stop-the-clock’ mechanism in all cases.

## Information for regulated services

- 2.137 In Section 5 of the draft guidance, Ofcom provided details about the process for handling a super-complaint, including the section on ‘Information for regulated services’.<sup>87</sup> In paragraph 5.40 of the draft and final guidance, we state that “we expect that Ofcom will interact with the relevant regulated service providers during the super-complaints process. However, the exact form of that interaction will vary dependent on the subject of a super-complaint”. Two industry stakeholders requested further clarity on how Ofcom will engage with regulated services when Ofcom receives a super-complaint that relates to their service.

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<sup>86</sup> Ofcom, 2025, [Online Safety Information Powers Guidance](#).

<sup>87</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

## Summary of consultation responses

- 2.138 The Middle Tech Coalition asked for greater clarity on how Ofcom will engage with regulated services during the super-complaints process. They requested clearer information on what this engagement may involve in practice, including whether it could include “meetings, additional assessments, and what information platforms may need to provide.” They said that this clarity would help platforms plan resources and align any additional requests with their existing risk assessments, reporting requirements and information notices.
- 2.139 Both the Middle Tech Coalition and TikTok asked for earlier visibility for regulated services that are the subject of a super-complaint, specifically notification from Ofcom before Ofcom publishes information about the complaint. The Middle Tech Coalition proposed introducing a phase prior to publication in which a service that is the subject of a complaint is given the opportunity to provide initial comments on the complaint, arguing this could help to clarify issues quickly and avoid unnecessary prominence for complaints that do not ultimately lead to regulatory action. TikTok similarly asked for advance notice and the opportunity to comment or request redactions before publication.

## Our response

- 2.140 Having considered these stakeholder comments, we have decided not to make changes to the final guidance for the reasons set out below.
- 2.141 In the final guidance, we have maintained our position set out in the draft guidance (see paragraph 5.40) on our approach to engagement with regulated services. Ofcom will engage with relevant regulated services where it is appropriate and feasible to do so, and where such engagement would assist our understanding or assessment of the issues raised.
- 2.142 With regards to requests for Ofcom to provide notice before publishing any information about a super-complaint, we have considered stakeholder feedback and decided to not make changes to the final guidance. Introducing a pre-publication consultation, discussion or notification stage for regulated services in all cases would not be practical or proportionate in the context of the super-complaints regime. Super-complaints must be assessed within a fixed statutory timeframe, and building in such a step for every super-complaint could affect the speed of assessments and Ofcom’s ability to respond to urgent or complex issues. We will however seek to ensure that the process we follow is fair to all parties concerned and do not rule out engaging with the relevant parties before publishing information about a super-complaint if we deem it appropriate.

## Comments not directly relevant to the consultation

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- 2.143 We received various points of feedback from respondents that were not directly relevant to the super-complaints draft guidance<sup>88</sup> and therefore we have not summarised or responded to these as they were outside of the scope of our consultation. These related to:
- Clarifying which services are in scope of the Act
  - Allowing researchers better access to data

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<sup>88</sup> Ofcom, 2025, [Draft Guidance: Super-complaints under the Online Safety Act 2023](#).

- Lack of individual complaints mechanisms and Alternative Dispute Resolution (ADR)
- Ofcom's communications and publications around individual complaints
- How Ofcom refers individual complaints to other agencies
- Ofcom's ongoing engagement with representative bodies
- Ofcom colleague training.

# A1. Impact assessments

## Impact assessment

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- A1.1 Section 7 of the Communications Act 2003<sup>89</sup> requires us to carry out and publish an assessment of the likely impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities.
- A1.2 We received no responses to our consultation on our assessment of the impact of the guidance on businesses or the general public as set out in the Consultation. We remain of the view in our final assessment that our guidance is likely to have positive impacts for citizens and consumers by helping eligible organisations raise complaints about features or conduct that present a material risk of causing significant harm or adversely affecting members of the public. We also consider that our final guidance is unlikely to have a significant impact on businesses, but that it may have a positive impact on entities considering submitting a complaint because it will help such entities determine the suitability of the super-complaints mechanism for raising their concerns and the information they need to provide to submit an effective super-complaint.

## Equality and human rights impact assessment

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- A1.3 We have given careful consideration to whether our proposal will have a particular impact on persons sharing protected characteristics (broadly including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.<sup>90</sup>
- A1.4 We consider that the final guidance may have positive equality impacts by helping entities submit effective complaints about features or conduct of regulated services that have a material risk of causing significant harm or adversely impacting particular groups including people with one or more protected characteristics.
- A1.5 We have also considered whether our final guidance may have any impacts on human rights in terms of Ofcom's duties under the Human Rights Act 1998 to act compatibly with the rights set out in the European Convention on Human Rights (as set out in Schedule 1 to the Human Rights Act 1998). In particular, we have considered whether there could be any impact on the right to freedom of expression.<sup>91</sup> We do not think there would be any

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<sup>89</sup> Section 7 of [the Communications Act 2003](#).

<sup>90</sup> Further detail is set out in section 149 of the [Equality Act 2010](#) and section 75 of the [Northern Ireland Act 1998](#).

<sup>91</sup> Article 10 of the Convention explains the right to freedom of expression includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Article 10(2) of the Convention states that this right may be restricted in certain circumstances. Other rights protected under the Convention which may be relevant to Ofcom's functions under the Act are the right to privacy (Article 8 of the Convention), the right to freedom of thought, conscience and religion (Article 9 of the Convention) and the right to freedom of assembly and association (Article 11 of the Convention).

adverse impacts on the Convention rights as a result of the final guidance, as the purpose of this guidance is to help explain to potential super-complainants and other interested stakeholders, including providers of regulated services, how the legal framework set out in the Act and Regulations works, and how we propose to implement it. We consider there may be some positive impacts from the super-complaints regime on human rights, in particular the right to freedom of expression, especially where we receive super-complaints that alert Ofcom to a significant adverse impact on the right to freedom of expression (the ground of complaint set out in s.169(1)(b) of the Act), which we are then able to respond to. This may also be the case if we are alerted to impacts that affect other Convention rights. Insofar as the guidance will help eligible entities make such super-complaints to Ofcom, by making it clearer how they can do so, it may have some positive impact on Convention rights. We have also expressly explained in the final guidance that super-complainants should take into account considerations relevant to the right to privacy, relating to compliance with UK data protection law. Again, we anticipate this could have a positive impact on the right to privacy as it applies to the way that complainants collect evidence in support of their super-complaints.

- A1.6 Having taken into account all responses, and noting that we received one comment suggesting our equality impact assessment obligations should be embedded into the eligibility assessment (which we address in paragraph 2.23 of this Statement), but no comments on the equality impact assessment itself, our position remains unchanged. The final guidance is likely to have positive equality impacts and human rights impacts by helping organisations submit effective complaints about features or conduct of regulated services that have a material risk of causing significant harm or adversely impacting particular groups including people with one or more protected characteristics.

## Welsh language

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- A1.7 The Welsh language has official status in Wales. The Welsh Language (Wales) Measure 2011 established a legal framework requiring certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in Ofcom’s compliance notice effective from 25 January 2017.<sup>92</sup>
- A1.8 Following consideration of the consultation responses, and noting that none related to impacts on the Welsh language, we remain of the view that the final guidance may have positive impacts on opportunities to use the Welsh language and on ensuring the Welsh language is treated no less favourably than the English language. This is because we will accept super-complaints in Welsh and respond in Welsh, and our expression of interest form for initiating the submission of a super-complaint is also available in Welsh. The process outlined in the guidance will be the same for both Welsh and English language submissions, with no delay as a result of the language in which a submission is written or whether information is received via the English or Welsh language versions of the submission form. We will ensure the Welsh language versions of the guidance and submission form are easily accessible on the relevant area of our website.
- A1.9 For these reasons, we consider that Welsh will be treated no less favourably than English as a result of our final guidance, and the final guidance will have no adverse impact on complainants’ opportunities to use the Welsh language. We do not consider there are any

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<sup>92</sup> Ofcom, 2017, [Compliance Notice – Section 44 Welsh Language \(Wales\) Measure 2011](#)

additional measures we could take that would increase positive effects on opportunities to use the Welsh language.

## A2. Legal framework

- A2.1 Ofcom is the independent regulator for communications services. The Communications Act 2003 ('the 2003 Act') places a number of duties that we must fulfil when exercising our regulatory functions, including in relation to our online safety functions.
- A2.2 Ofcom's principal duty under the 2003 Act is to further the interests of citizens in relation to communication matters, and the interests of consumers in relevant markets, where appropriate by promoting competition.<sup>93</sup> In performing our principal duty, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed and any other principle appearing to us to represent the best regulatory practice,<sup>94</sup> as set out in the 2003 Act.
- A2.3 The Online Safety Act 2023 ('the Act') appointed Ofcom as the online safety regulator, with powers to implement and enforce the regime. In carrying out its functions under the Act, Ofcom is required to secure the adequate protection of citizens from harm presented by content on regulated online services, through the appropriate use by providers of such services of systems and processes designed to reduce the risk of such harm.<sup>95</sup>
- A2.4 In doing so, Ofcom must have regard to (among other things): the risk of harm to citizens presented by regulated services; the need for it to be clear to providers of regulated services how they may comply with their relevant duties; and the need to exercise its functions so as to secure that providers of regulated services may comply with such duties by taking measures, or using measures, systems or processes, which are proportionate to (i) the size or capacity of the provider in question, and (ii) the level of risk of harm presented by the service in question, and the severity of the potential harm.
- A2.5 The Act creates a category of complaints called super-complaints. Section 169(1) of the Act states that an 'eligible entity' may make a complaint to Ofcom that: any feature of one or more regulated online services; any conduct (including acts and omissions) of one or more providers of regulated services; or a combination of such features and such conduct is, appears to be, or presents a material risk of—
- A2.6 causing significant harm to individuals in the UK who are users of the services<sup>96</sup> or members of the public, or a particular group of such users or members of the public;
- a) significantly adversely affecting the right of freedom of expression within the law of UK-based users of the services or members of the public, or of a particular group of such users or members of the public; or
  - b) otherwise having a significant adverse impact on UK-based users of the services or members of the public, or on a particular group of such users or members of the public.
- A2.7 A super-complaint that relates to a single regulated service or that relates to a single provider of one or more regulated services is only admissible if Ofcom consider that (a) the

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<sup>93</sup> Section 3(1) of [the 2003 Act](#).

<sup>94</sup> Section 3(3) of [the 2003 Act](#).

<sup>95</sup> Section 3(2)(g) of [the 2003 Act](#), as amended by section 91(2) of [the Act](#).

<sup>96</sup> Section 169(6) of [the Act](#).

complaint is of particular importance, or (b) the complaint relates to the impacts on a particularly large number of users of the service or members of the public.<sup>97</sup>

- A2.8 An entity<sup>98</sup> is an ‘eligible entity’ if it meets the criteria specified in regulations made by the Secretary of State. The Online Safety Super-Complaints (Eligibility and Procedural Matters) Regulations 2025 (‘the Regulations’) set out these eligibility criteria and the supporting evidence required to demonstrate eligibility.<sup>99</sup> These are detailed and discussed in Section 3 of the final guidance. As required by the Act, the Regulations specify as one of the eligibility criteria that the entity must be a body representing the interests of users of regulated services, or members of the public, or a particular group of such users or members of the public.
- A2.9 The Regulations also set out the requirements for a super-complaint to be admissible and the procedures for making a super-complaint.<sup>100</sup> This is explained in Section 4 of the final guidance, including the form and manner of submissions and restrictions and limitations for making super-complaints. The Regulations also set out the requirements on Ofcom regarding the time limit for and the publication of its response,<sup>101</sup> and this is explained in Section 5 of the final guidance.
- A2.10 Section 171 of the Act requires Ofcom to publish guidance about the eligibility criteria, procedural matters and any other aspects of super-complaints that Ofcom considers appropriate to include. The final guidance to which this statement relates is the guidance required under section 171 of the Act.

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<sup>97</sup> Section 169(2) of [the Act](#).

<sup>98</sup> Section 236 of [the Act](#) defines an entity to mean “a body or association of persons or an organisation, regardless of whether the body, association or organisation is – (a) formed under the law of any part of the United Kingdom or of a country outside the United Kingdom, or (b) a legal person under the law under which it is formed”.

<sup>99</sup> Regulations 2 and 3 of [the Regulations](#).

<sup>100</sup> As required under section 170 of [the Act](#). These are included in Regulations 4-6 and 10 of [the Regulations](#).

<sup>101</sup> Regulations 7-9 of [the Regulations](#).